

# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

## WORKSHOP 5:30 P.M.

The Town Council will meet with the Town Manager, Commissioner of Public Works and the BETA Group to present findings of the Road Inventory and Management Plan.

August 24, 2015

Council Chambers

Kittery Town Council  
Regular Meeting  
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 8/10/15 Regular Meetings
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials

(080215-1) The Kittery Town Council moves to authorize an alternative procurement method in accordance with Title 3 Section 3.2.7 of the Kittery Town Code to award a contract to Dayton Sand and Gravel for road paving.

### 10. PUBLIC HEARINGS

a. (080215-2) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance to authorize Town Council to issue bonds not to exceed \$275,000 to help the Kittery Land Trust to finance the Brave Boat Harbor Headwaters Preserve. Subject to approval at a town referendum Election to be held on November 3, 2015.

b. (080215-3) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter and hereby ordains to transfer appropriations between accounts and carry forward requests.

	A	B	C	D	E	F	G	H	I	J
1				<b>GENERAL FUND BUDGET TRANSFERS</b>						
2		<b>TRANSFER FROM:</b>	<b>ACCT #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>TRANSFER TO:</b>	<b>ACCT #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	
3										
4				<b>GENERAL FUND</b>						
5										
6	#1	COUNTY TAX	101150-68500	TRANSFERS OUT	\$ 6,700	POLICE	101310-68500	TRANSFERS IN	\$ 6,700	
7										
8	#2	CODE	101710-68500	TRANSFERS OUT	\$ 21,000	FIRE	101320-68500	TRANSFERS IN	\$ 21,000	
9										
10	#3	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 20,000	GENERAL ASSISTANCE	101520-65480	TRANSFERS IN	\$ 20,000	
11										
12	#4	RESOURCE RECOVERY	101930-68500	TRANSFERS OUT	\$ 35,100	HWY	101410-68500	TRANSFERS IN	\$ 35,100	
13										
14	#5	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 25,100	STREET LIGHTS	101330-68500	TRANSFERS IN	\$ 25,100	
15										
16	#6	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 5,700	PORT AUTHORITY	101840-68500	TRANSFERS IN	\$ 5,700	
17										
18	#7	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 7,100	PLANNING	101721-68500	TRANSFERS IN	\$ 7,100	
19										
20	#8	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 18,600	MISC EXPENSES	101740-68500	TRANSFERS IN	\$ 18,600	
21										
22	#9	OTHER INSURANCES	103000-68500	TRANSFERS OUT	\$ 700	HYDRANT RENTALS	101340-65300	TRANSFERS IN	\$ 700	
23										
24				TOTAL GENERAL FUND TRANSFERS FROM	\$ 140,000			TOTAL GENERAL FUNDS TRANSFERS TO:	\$ 140,000	
25										
26				<b>OTHER FUNDS TRANSFERS to close out accounts</b>						
27		<b>TRANSFER FROM:</b>	<b>ACCT #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>TRANSFER TO:</b>	<b>ACCT #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	
28										
29	#10	CROCKETT NECK ROAD DRAINAGE PROJECT	4046-68500	TRANSFERS OUT	\$ 3,562.61	PEPPERRELL ROAD DRAINAGE TRANSFERS IN	4045-43580	TRANSFERS IN	\$ 3,562.61	
30										
31				<b>INTER - FUNDS TRANSFERS to fund overspent accounts</b>						
32										
33	#11	RESOURCE RECOVERY	101930-68500	TRANSFERS OUT	\$ 45,721	COMPENSATED ABS	2022-43580	TRANSFERS IN	\$ 45,715	
34						FUEL & MORE	2016-43580	TRANSFERS IN	\$ 6	
35				TOTAL	\$ 45,721			TOTAL	\$ 45,721	
36										
37	#12	RESOURCE RECOVERY	101930-68500	TRANSFERS OUT	\$ 243.97					
38		STEPHEN KING GRANT	2035-68500	TRANSERS OUT	\$ 690.00					
39		HARBOR PIER	2050-68500	TRANSERS OUT	\$ 1,928.04					
40		LEGAL ADS	2062-68500	TRANSERS OUT	\$ 296.88					
41		SPECIAL EVENTS	2070-68500	TRANSERS OUT	\$ 751.18					
42				TOTAL	\$ 3,910.07	SPRUCE CREEK PH 2	2049-43580	TRANSFERS IN	\$ 3,910.07	

	A	B	C	D	E	F
1	<b>CARRY FORWARD</b>	<b>ACCT #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>		<b>EXPLANATION</b>
2						
3	ADMINISTRATION	101110-64031	SALARY & POSITION ADJUSTMENT	\$ 29,989		FY 2015 UNSETTLED UNION CONTRACTS
4						
5	ADMINISTRATION	101110-65480	OTHER PROFESSIONAL SERVICES	\$ 20,000		FEMA FLOOD MAPS
6						
7	ELECTIONS	101130-64020	PART TIME SALARIES	\$ 486		
8		101130-64060	FICA	\$ 146		
9		101130-64070	WORKERS COMPENSATION	\$ 10		
10		101130-65010	POSTAGE	\$ 21		
11		101130-65060	PRINTING	\$ 743		
12		101130-65480	OTHER PROFESSIONAL SERV	\$ 243		
13		101130-66010	OFFICE SUPPLIES	\$ 81		
14			TOTAL	\$ 1,730		

## 11. DISCUSSION

- Discussion by members of the public (three minutes per person)
- Response to public comment directed to a particular Councilor
- Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (080215-4) The Kittery Town Council moves to approve the disbursement warrants.

c. (080215-5) The Kittery Town Council moves to approve a renewal application from Delta Amusement Inc., 182 State Road, Kittery, for a Malt, Spirituous and Vinous Liquor License for the Navy Yard Bar & Billiard, 182 State Road.

d. (080215-6) The Kittery Town Council moves to approve a renewal application from The Cajun Lobster LLC, 90 Pepperrell Road, Kittery Point, for a Malt, Spirituous and Vinous Liquor License for The Cajun Lobster, 90 Pepperrell Road.

e. (080215-7) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from September 1st through the 3<sup>rd</sup> during the Town Managers attendance at the Brownfield Conference.

f. (080215-8) The Kittery Town Council moves to schedule a public hearing on an amendment to Section 2.14 and 6.06 of the Kittery Town Charter for the November 3, 2015 Election.

g. (080215-9) The Kittery Town Council moves to schedule a public hearing in accordance with Section 6.11 (2) of the Kittery Town Charter, on a multi-year license between the York Water District and the Town of Kittery, for communications equipment to be located on a tower at Mt. Agamenticus.

h. (080215-10) The Kittery Town Council moves to allocate \$75,000 from the Open Space Reserve Fund to the Kittery Land Trust which shall be matched by at least \$1,200,000 in Federal and State funds and other contributions, for the purpose of partially funding the creation of the Brave Boat Headwaters Preserve.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: August 6, 2015



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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[ncolbertpuff@kitteryme.org](mailto:ncolbertpuff@kitteryme.org)

Nancy Colbert Puff  
Town Manager

## Town Manager's Report to the Town Council August 27, 2015

1. **Sewer Project Update** – The Sewer project is well on its way to completion. On August 31<sup>st</sup> (weather permitting), the reclaiming and paving process will begin on Martin Road. Grinding and shaping the road will take place over two days, with the month of September dedicated to finish grading and base paving. The lower section of Manson Road (#44-#64) will be completed in the same manner after Martin. All remaining roads will be trench paved with 2.5 inches of base pavement brought to the road grade for the winter. Final paving will occur in the spring.

All this will take place by the end of September into the beginning of October if schedules by the paving company don't change. Access will be available around the work areas as needed. Sargent's crews are continuing cleanup operations. As the next month continues, lawns will be loamed, graded, seeded and mulched, (September is a good time for this operation). Curbing and sidewalks will be repaired or replaced as needed. Mail boxes and light poles will be repositioned or replaced as needed. Bushes and trees will be looked at to determine damage from the construction process.

2. **Rogers Road Paving** – Maine DOT will be conducting final paving operations on Thursday evening August 19<sup>th</sup>.
3. **Athletic Fields Master Plan** – We are wrapping up the development of this plan and hope to present the final plan to Council in the near future. The 2015 round of Land and Water Conservation Fund grants is this fall, and we hope to be in a position to apply to this program for one of the project contemplated in the Master Plan.
4. **Brownfields Conference** – I will be attending the Brownfields Conference from September 1-3. Paid for through the Brownfields grant, my time in attendance is part of the "in-kind" match the Town committed as part of the Wood Island cleanup.

As always, if you have any questions or concerns prior to the meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff

**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**UNAPPROVED  
AUGUST 10, 2015**

1  
2 1. Call to Order

3  
4 Chairperson Thomson called the meeting to order at 7:00 p.m.  
5

6 2. Introductory

7  
8 Chairperson Thomson read the introductory.  
9

10 3. Pledge of Allegiance

11  
12 Chairperson Thomson led those present in the Pledge of Allegiance.  
13

14 4. Roll Call

15  
16 Answering the roll were Chairperson Jeffrey Thomson, Vice Chairperson Russell White,  
17 Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier and Kenneth Lemont.  
18

19 5. Agenda Amendment and Adoption

20  
21 Councilor Pelletier proposed two amendments to the agenda. The first, regarding the  
22 Town Council Advisory Committee, would be item 12(b) and the second, involving the  
23 negotiations with WILSSA and the concession agreement to be 12(c).  
24

25 The agenda was accepted as amended.  
26

27 6. Town Manager's Report

28  
29 Town Manager Puff commented on the storm from August 4<sup>th</sup> which caused significant  
30 damage across the Town. She noted that over 500 residents were without power and there were  
31 two structure fires that were caused by the storm. She also mentioned that the communications  
32 equipment on the water tower was struck by lightning. A claim has been submitted to the insurer  
33 and they are still assembling costs.  
34

35 Town Manager Puff stated that they are changing the way the gate house at Fort Foster is  
36 being operated. An internal committee has been formed to assess what needs to be changed but  
37 several changes have already been implemented:

- 38 • Employees are now working in teams of two
- 39 • Speed bumps have been added to the entrance area
- 40 • A multi-line phone system has been installed

**TOWN COUNCIL MEETING  
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- They are working on adding electricity to the gate house
- They are going to attempt to limit the amount of cash on hand by increasing trips to the bank to deposit money
- They are redesigning the gate house so it will be less accessible
- They are looking into the use of credit cards to limit cash transactions
- There is a possibility of installing security equipment

Town Manager Puff commented that a request has been made to the MaineDOT to look at the speed limits on Route 103 and see if any changes need to be made. She added that the DOT is also responding favorably to a request for a traffic light at the intersection of Boat Hill Road and Route 236 in Eliot to reduce traffic near the entrance of the dump and increase safety in the area. DOT has put in their 2017 work plan to add the traffic light and turning lanes to that area. Town Manager Puff added that Rogers Road from the rotary to about Wyman Avenue is being repaved.

Town Manager Puff stated that she met with the MMA and another insurance provider to review coverage for employees who have been injured on the job. This inquiry is a result of the recent injury incurred by a local firefighter. She added that the firefighter who was injured has been cleared to return to work as of today.

Town Manager Puff announced that the Library Committee meets every other week and posts their minutes on the Town Manager's webpage for everyone to view. She added that she is attending the annual Town, City and County Management Association conference this week.

7. Acceptance of previous minutes – 7/13/2015

The minutes of 7/13/2015 were accepted as amended.

Acceptance of previous minutes – 7/27/2015

The minutes of 7/27/2015 were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None.

10. PUBLIC HEARINGS – None.

11. DISCUSSION

81  
82 a. Discussion by members of the public –  
83

84 Barry Fitzpatrick approached the podium to thank the crews for all their hard work during  
85 the storm. He noted that his project on Rogers Road was blocked off by fallen trees but was all  
86 cleaned up by 11:00 the next morning.  
87

88 Barbara McGaughey of School Street approached the podium to submit a petition which  
89 was signed by 19 people who do not want the new library to be built on School Street. They  
90 believe that it would disrupt the environment and reduce the value of their homes. Ms.  
91 McGaughey emphasized that only one person who signed the petition had spoken with Mr.  
92 Fitzpatrick and that conversation was not meant to sway them one way or the other. She noted  
93 that she is not against the library but does not support the process as it has happened so far.  
94

95 Page Mead, co-chair of the Parks Commission approached the podium to discuss Fort  
96 Foster. He noted that for a number of years he has made all of the recommendations that the  
97 Town Manager has requested regarding the Fort Foster gate and that no member of the Parks  
98 Commission are on the internal committee which is currently dealing with the issues at Fort  
99 Foster.  
100

101 Sam Reid of WILSSA came to the podium to discuss the Wood Island Life Saving  
102 Station. Mr. Reid announced that Town Manager Puff had provided her edits for the preservation  
103 covenant to the SHPO and they were all accepted. He wanted to emphasize that an essential part  
104 of that document is a section which states that Kittery has the ability to enter into agreement with  
105 others to secure funding for the maintenance of the station. Mr. Reid added that their fundraising  
106 has been a success that they are ready and able to take on the maintenance of the building. Mr.  
107 Reid next mentioned the concession agreement allowing WILSSA to operate a fully restored  
108 station open to the public to generate income for the maintenance of the building. The third  
109 document Mr. Reid mentioned was the existing agreement between the Town of Kittery and  
110 WILSSA which will need to be amended. Mr. Reid expects to advertise for contractors to clean  
111 and restore the building by the end of August. All they need now is for the Council to approve  
112 the preservation covenant. Mr. Reid commented on a front page article in the Portsmouth Herald  
113 about the project and read aloud segments of a letter from the Maine Senate and House which  
114 passed along warm congratulations to WILSSA.  
115

116 George Dow of Bartlett Road approached the podium to discuss the amendment of the  
117 Town's agreement with WILSSA. Mr. Dow encouraged the Council to take the issue seriously  
118 with much debate before they make a decision. He noted that the agreement was established to  
119 preserve the memory of the service station. He also questioned what would happen to the station  
120 if WILSSA were to dissolve and commented that the Town of Kittery would be responsible to

**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**UNAPPROVED  
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maintain the structure under the National Parks Service agreement. Mr. Dow asked the Council if they had done enough research on WILSSA to be comfortable entering a twenty year agreement with the group.

c. Chairperson's response to public comments

Chairperson Thomson thanked Mr. Fitzpatrick, Ms. McGaughey, Mr. Reid and Mr. Dow for their comments. He noted that, as Town Manager Puff had mentioned, the Library Committee would be posting their meeting minutes on the Town Manager's website. He added that the Council had items on the agenda that would be dealing with concerns relating to the Wood Island Life Saving Station.

**12. UNFINISHED BUSINESS**

a. (070215-1) The Kittery Town Council moves to approve and sign the Wood Island Life Saving Station Preservation Agreement.

**COUNCILOR WHITE MOVED TO APPROVE AND SIGN THE WOOD ISLAND LIFE SAVING STATION PRESERVATION AGREEMENT. COUNCILOR PELLETIER SECONDED THE MOTION.**

Councilor Pelletier asked Councilor Dennett if he has read the agreement and if he is satisfied with it. Councilor Dennett responded that he has read it and that he is not satisfied. Councilor Pelletier then asked Town Manager Puff if the document has met her approval. Town Manager Puff responded that she read it and approves of the document. Councilor Pelletier commented that he is in favor of the document and added that it is important that the Town Manager has been involved in the process and supports it and that the agreement allows WILSSA to receive the money from Park Service and from the Maine SHPO's office to complete the original agreement that was negotiated between the advisory committee and WILSSA.

Councilor Denault commented that Mr. Dow recommended to the Council that they do their due diligence before deciding on the matter and he has done so and therefore supports the documents. Vice Chairperson White added that the Council, WIAC, the Town Manager and many others have spent many hours on the project which amounts to due diligence and that most of the members of WILSSA were present in the audience so Mr. Dow could meet them if he would like to.

Councilor Dennett stated that he met with Mr. Reid a few weeks ago and gave him some immaterial changes which the State ignored. He added that he does not like the agreement and



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COUNCIL CHAMBERS**

**UNAPPROVED  
AUGUST 10, 2015**

that it states that the property is defined as the grounds and the building and that Kittery is responsible for keeping up with the grounds as they are defined. Town Manager Puff responded that the maintenance section of the document is only for the building and not for the grounds whereas the property section is to give the State of Maine approval authority over any changes made to the property. Councilor Dennett commented that even though the paragraph is introductory it is still legally binding that the Town of Kittery is responsible for the property as it is legally defined in the document (as the building and the grounds). He added that if the Town wanted to cut down poison ivy because it was affecting visitors, they could not do so without the approval of the State Historical Preservation Board. He also commented that Kittery would be responsible for damage or destruction to the property by fire, flood, wind, earth movement or other casualty and although they are in the process of obtaining flood insurance, they do not plan to have fire insurance or any other insurance. He added that these costs will fall on the taxpayers and he will be voting against the document.

Chairperson Thomson commented that a month ago they were desirous of moving toward a position of yes on the project and the action tonight will do that. He wanted a thorough review by the Town CEO since the property is owned by the Town and he has received that.

**A ROLL CALL WAS TAKEN. MOTION PASSED 6-1 WITH COUNCILOR DENNETT IN OPPOSITION.**

b. The Kittery Town Council moves to sunset the Wood Island Advisory Committee as of August 10, 2015, offering its thanks and appreciation to its members for their dedication and many hours served on Kittery's behalf.

**COUNCILOR PELLETIER MOVED TO SUNSET THE WOOD ISLAND ADVISORY COMMITTEE AS OF AUGUST 10, 2015, OFFERING ITS THANKS AND APPRECIATION TO ITS MEMBERS FOR THEIR DEDICATION AND MANY HOURS SERVED ON KITTEY'S BEHALF. COUNCILOR DENAULT SECONDED THE MOTION.**

Councilor Dennett asked if Councilor Pelletier would change the word sunset to dissolve in the motion since sunset refers to something happening in the distant future. Councilors Pelletier and Denault agreed with the change of language.

Councilor Pelletier commented that the work of the Wood Island Advisory Committee ("WIAC") has been completed now that a preservation covenant has been approved and the Council anticipates the approval of the concession agreement. He asked that everyone judge the group on their end result not on the process and added that WILSSA has done a fantastic job

taking many of the recommendations of WIAC, including their becoming a non-profit corporation to help stabilize their position as a party to work on the building.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED AS AMENDED 7/0.**

c. Council moves to enter into negotiations with Wood Island Life Saving Station Association to negotiate a concession agreement; an agreement that comes into force only after the original Repair Agreement between the Town and WILSSA has been completely satisfied.

**COUNCILOR PELLETIER MOVED TO ENTER INTO NEGOTIATIONS WITH WOOD ISLAND LIFE SAVING STATION ASSOCIATION TO NEGOTIATE A CONCESSION AGREEMENT; AN AGREEMENT THAT COMES INTO FORCE ONLY AFTER THE ORIGINAL REPAIR AGREEMENT BETWEEN THE TOWN AND WILSSA HAS BEEN COMPLETELY SATISFIED. VICE CHAIRPERSON WHITE SECONDED THE MOTION.**

Councilor Pelletier commented that the next step is to allow WILSSA to continue forward with the project and that the concession agreement will take time to negotiate. He recommended that Councilor Spiller and Vice Chairperson White be the Council representatives for the negotiations and added that the repair agreement would also have to be negotiated. Councilor Lemont noted his approval of the motion but stated that he would like Chairperson Thomson to appoint the representatives. Councilor Pelletier responded that he recommended those two because of their historic knowledge and Vice Chairperson White's experience as a member of WILSSA. Councilor Denault commented that he is opposed to that and that they are here because of WIAC, who has been involved in the project since 2009. He added that there are two sides to the coin and moving forward the representatives need to have open minds and the best interest of the Town at heart. Vice Chairperson White responded that the motion at hand is to approve the negotiations and that the appointments can be dealt with later.

Chairperson Thomson commented that he is not sure they are ready for the motion yet as there is more work to do before they can get to the point of discussing a concession agreement. He added that they have not yet received a business plan from WILSSA which would lay out how the facility would be operated, who would operate it, what days it would be open and how people would get there. Chairperson Thomson stated that there are sources of knowledge in the area who could help with the process such as the Portsmouth Historical Society and their agreement with the City of Portsmouth.

**CHAIRPERSON THOMSON MOVED TO AMEND THE MOTION AS FOLLOWS: THAT THE TOWN MANAGER BE REQUESTED TO EXPLORE LOCAL,**

**REGIONAL AND NATIONAL HISTORIC PRESERVATION SOURCES REGARDING  
CHARTING A COURSE FOR THE FUTURE OF A RESTORED EXTERIOR AND  
CLEAN WOOD ISLAND LIFE SAVING STATION AND THAT INFORMATION BE  
CONVEYED TO THIS BODY BY ITS MEETING OF NOVEMBER 23RD. COUNCILOR  
PELLETIER SECONDED THE AMENDMENT.**

Councilor Spiller commented that the development of the business plan would be part of the negotiations and development of a concession agreement and that it would be in the Town's best interest to move ahead with the discussion of the concession agreement with WILSSA. Councilor Pelletier stated that there is nothing preventing Council from giving direction to the Town Manager to use her resources to provide perspective and context during the concession agreement negotiations with WILSSA. Vice Chairperson White added that when WILSSA submitted their voluminous documents in the past, including their RFP, a business plan was part of it as well as projected maintenance costs. He noted that how the group will generate funds and how it will be managed is still unresolved. He suggested that they move ahead toward negotiations and encourage the Town Manager to utilize her resources.

Councilor Denault requested clarification on the amendment and Town Manager Puff's involvement in the process. Chairperson Thomson responded that the process will take time and it would be beneficial to have Town Manager Puff focus in a certain area for the next few weeks so that there is something to discuss in November. He added that she would utilize local, regional and national sources to gather information and further commented that he would like to know how people are getting back and forth to the Island. Councilor Denault stated that he would like WILSSA to specifically be added into the amendment for clarity and that it would be helpful to get started on the process before the next election so they do not have to waste time educating new members for the November 23<sup>rd</sup> deadline. He also commented he would like clarification on the transportation issue as well. Councilor Pelletier agreed with the sentiment of the amendment that they consult with other non-profit organizations regarding the process, the journey and how to move forward and clarified that Chairperson Thomson does not intend to exclude WILSSA from the process he just wants to include more sources of knowledge. Councilor Denault responded again that he would like WILSSA to be added into the amendment so that they are kept in the loop. Chairperson Thomson reworded the amendment to the motion to include WILSSA and the seconder agreed with the additional wording stated as follows:

**CHAIRPERSON THOMSON MOVED TO AMEND THE MOTION AS  
FOLLOWS: THAT THE TOWN MANAGER BE REQUESTED IN COOPERATION  
WITH WILSSA TO EXPLORE LOCAL, REGIONAL AND NATIONAL HISTORIC  
PRESERVATION SOURCES REGARDING CHARTING A COURSE FOR THE  
FUTURE OF A RESTORED EXTERIOR AND CLEAN WOOD ISLAND LIFE SAVING**

**STATION AND THAT INFORMATION BE CONVEYED TO THIS BODY BY ITS  
MEETING OF NOVEMBER 23RD.**

Town Manager Puff commented that motion does not address the interior. Chairperson Thomson responded that that would be the state of the building once the work is done. Vice Chairperson White stated that it implies that the forward progress stops at the exterior and WILSSA wants a complete restoration. Chairperson Thomson responded that although he is not saying that, the potential result of additional research could stop forward progress after the exterior or it could move them in the direction to continue forward. Councilor Pelletier commented that the amendment does not prohibit them from moving forward to where WILSSA wants to be, it just provides context and case history on how to proceed.

Mr. Reid approached the podium again to respond to Council. He stated that the approval of the preservation covenant is a big step forward and will secure the Park Service grant. He added that WILSSA has been the applicant for all of the funding, excluding the EPA money, and without their money the project cannot move forward. They need to have assurance that the project will not be ended once the exterior is complete and the building is clean. The existing agreement is set up to allow them the opportunity to raise money. WILSSA is offering to pay for the maintenance but they need to operate the building to do so. Mr. Reid mentioned The Gundalow Company in Portsmouth and how they have offered to sit down with WILSSA and also how their boats travel right past the Island. He added that other companies have boats which pass by the Island as well. These options could help give an answer to the transportation issue. He commented that WILSSA needs a green light from the Council to talk with other boards and discuss a business plan. He also noted that he is not especially comfortable with the current motion. Chairperson Thomson commented that he would not jump into concession agreement negotiations without more information for all parties. Mr. Reid responded that he would provide whatever information the Council requires but is concerned that the project will not be on track for completion next spring. Councilor Denault asked if the added language regarding WILSSA would allow WILSSA to give Town Manager Puff information during the process. Chairperson Thomson responded that it would be fine until there is a concession agreement in place.

Councilor Dennett commented that he would be abstaining from the vote. Councilor Pelletier stated that he is against the amendment to the motion because he finds it restricting in the sense that the repair agreement says that WILSSA has the right of first refusal to work towards an end result of the property once it is repaired and although it does not say what the end result will be, it grants them that right. Therefore it would be unfair to the interests of WILSSA to create any sense that the concession agreement is anything but allowing them to move forward with what their plan is. He added that the position of the Town Manager working with other non-profit groups to outline the process moving forward does make sense and he would encourage

her to do that with WILSSA. Councilor Spiller commented that she would vote against the motion and that if done properly, the concession agreement would bring this to light, which would ultimately be voted on by the Council. Councilor Lemont stated that the original motion makes sense and that although the amendment is well intentioned it does not need to be a part of the motion. He would be voting against the amendment. Councilor Denault asked about the significance of the November 23<sup>rd</sup> date to which Chairperson Thomson responded that it is to give the Town Manager time.

**CHAIRPERSON THOMSON WITHDREW HIS AMENDMENT. COUNCILOR PELLETIER WITHDREW HIS SECOND OF THE AMENDMENT.**

**A ROLL CALL WAS TAKEN ON THE ORIGINAL MOTION. MOTION PASSED 6-0-1 WITH COUNCILOR DENNETT ABSTAINING.**

**13. NEW BUSINESS**

a. Donations/gifts received for Council disposition – None.

b. (080115-1) The Kittery Town Council moves to receive a York River presentation and moves to adopt the recommended slate of members for the York River Wild and Scenic Study Committee.

Paul Dest approached the podium to discuss the slate of members for the study committee. He noted that there were ten people on the study committee including five non-voting members and Councilor Spiller has agreed to serve as the representative of the Town of Kittery. In addition to the ten member committee they also have a sixteen member advisory committee. Since Mr. Dest's last presentation to Council on June 8<sup>th</sup>, South Berwick has agreed to participate in the study.

**COUNCILOR PELLETIER MOVED TO ADOPT THE RECOMMENDED SLATE OF MEMBERS FOR THE YORK RIVER WILD AND SCENIC STUDY COMMITTEE. CHAIRPERSON THOMSON SECONDED THE MOTION.**

Councilor Dennett commented that since he did not know any of the members involved, with the exception of Councilor Spiller, it would be inappropriate to vote for or against people that he did not know and noted that he would be abstaining from the vote.

**A ROLL CALL WAS TAKEN. MOTION PASSED: 6-0-1 WITH COUNCILOR DENNETT ABSTAINING.**

c. (080115-2) The Kittery Town Council moves to authorize Tributary Brewing Co., LLC, 5 Winding Brooke Lane, South Berwick, ME, a one day extension for Tributary Brewing Company, 10 Shapleigh Road, Site A, to hold a one day event on September 5, 2015

**COUNCILOR SPILLER MOVED TO AUTHORIZE TRIBUTARY BREWING CO., LLC, 5 WINDING BROOK LANE, SOUTH BERWICK, ME, A ONE DAY EXTENSION FOR TRIBUTARY BREWING COMPANY, 10 SHAPLEIGH ROAD, SITE A, TO HOLD A ONE DAY EVENT ON SEPTEMBER 5, 2015.**

Councilor Lemont commented that at the last event, Shapleigh Road was impassable. He asked if they had a plan for this event to better control parking. Gale Inmat, owner of Tributary Brewing Company came to the podium to respond to the Council. She stated that this event, which is an anniversary event, is not similar to the one in April because they are not releasing a rare beer and the event should only include their usual customers. Chairperson Thomson asked Ms. Inmat if her staff would be monitoring parking and she said yes they would and they would be notifying their business neighbors of the event. Councilor Denault asked if they would agree to hire a detailed officer to prevent traffic chaos and Ms. Inmat agreed. Councilor Spiller commented that she would include the traffic control officer to be hired by Tributary into the language of the motion. Councilor White, as the second, approved the change.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED AS AMENDED 7-0.**

d. (080115-3) The Kittery Town Council moves to authorize the request from Kittery Parent-Teacher Association to hold the Seaside 4 Miler Race at Fort Foster on September 20, 2015, and to place a banner across Rogers Road, in front of the Community Center, from September 1st to 22nd, 2015, advertising the September 20th Seaside 4-miler race at Fort Foster.

**COUNCILOR SPILLER MOVED TO AUTHORIZE THE REQUEST FROM KITTERY PARENT-TEACHER ASSOCIATION TO HOLD THE SEASIDE 4 MILER RACE AT FORT FOSTER ON SEPTEMBER 20, 2015, AND TO PLACE A BANNER ACROSS ROGERS ROAD, IN FRONT OF THE COMMUNITY CENTER, FROM SEPTEMBER 1ST TO 22ND, 2015, ADVERTISING THE SEPTEMBER 20TH SEASIDE 4-MILER RACE AT FORT FOSTER. COUNCILOR PELLEITER SECONDED THE MOTION.**

Councilor Dennett asked whether they were approving just the banner across Rogers Road or fliers at other points of interest around the Town. Chairperson Thomson responded that they were only approving the banner across Rogers Road.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.**

e. (080115-4) The Kittery Town Council moves to approve an “Alcohol Permit for BikeME event,” on September 12, 2015 at Fort Foster.

Steve Workman, a representative of the Kittery Community Center, approached the podium to answer questions regarding the alcohol permit for the BikeME event at Fort Foster. Mr. Workman informed the Council that beer would be served at the event during the hours of 5:00 – 9:00 to coincide with the dining service and added that the event would be in a concentrated controlled environment and they would be using the Community Center’s alcohol policy to monitor and run it. He added that rather than this being run by an outside entity, the KCC staff would be running and monitoring the event. Councilor Dennett asked Mr. Workman how many nights the event would last and he responded that the night in question when the bicycle riders would be in Kittery is Saturday, September 12<sup>th</sup>. Councilor Dennett asked Mr. Workman where the riders would be staying, why he needs Council approval to serve alcohol at the event and what the alcohol policy is at Fort Foster. Mr. Workman responded that the riders would be staying at Fort Foster overnight, where alcohol is not allowed. Mr. Paige Mead spoke up and informed the Council that the no alcohol policy is not a state law, just a Fort Foster rule. Councilor Dennett asked if the decision would set a precedent for future events that request to serve alcohol at the Fort and Mr. Workman responded that this would not be an outside event, it is being held and monitored by the Town of Kittery.

Councilor Denault asked Mr. Workman to clarify the order of events for the night and then expressed that he was not supportive of the idea. Councilor Pelletier stated that he also did not support the alcohol permit because future applicants would expect that they could serve alcohol as well. Mr. Mead commented that this event is being held after hours and therefore is not setting a precedent for future events which would be held during business hours. Councilor Pelletier commented that wedding events at the Fort would be after hours as well. Vice Chairperson White noted that the Council approved the events months ago, even with the indication that an alcohol permit would be requested. He added that no precedent would be set with their decision and that this is a one-time event. He also noted that the alcohol consumption would be supervised and contained to one area that is being professionally served. Councilor Denault noted that they would, in fact, be setting a precedent and that he did not recall alcohol being involved in the original proposal for the event.

Councilor Spiller asked Mr. Workman how many people were involved and if they were all spending the night. Mr. Workman responded that there were going to be 400 people involved and that count included some staff members and all participants consuming alcohol would be spending the night. Councilor Spiller emphasized that the event was contained and that no one would be driving home after. Councilor Denault commented that his issue with safety involved

**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**UNAPPROVED  
AUGUST 10, 2015**

people falling into the water or off of a cliff after consuming alcohol. Mr. Workman commented that there would be many people monitoring the event including the BikeME staff, the KCC staff, Parks Commission and the Kittery Police. He added that the Weathervane would be taking on the liquor liability policy since they would be the vendors for the meal.

**A ROLL CALL WAS TAKEN. MOTION FAILED: 3-4 WITH COUNCILORS DENNETT, DENAULT, PELLETIER AND LEMONT IN OPPOSITION.**

f. (080115-5) The Kittery Town Council moves to approve the disbursement warrants.

**CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS IN THE AMOUNT OF \$1,381,583.73. COUNCILOR PELLETIER SECNDED THE MOTION.**

**A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0**

g. (080115-6) The Kittery Town Council moves to schedule a date for a public hearing for the Kittery Land Trust bond referendum.

Chairperson Thomson commented that this is a result of a July 27 workshop with the Kittery Land Trust. The amount of the bond would be \$275,000.00. He added that this motion would schedule a public hearing for August 24<sup>th</sup>.

**COUNCILOR DENNETT MOVED TO SCHEDULE A PUBLIC HEARING FOR THE KITTEY LAND TRUST BOND REFERENDUM FOR THE DATE OF AUGUST 24<sup>TH</sup>. VICE CHAIRPERSON WHITE SECONDED THE MOTION.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.**

h. (080115-7) The Kittery Town Council moves to schedule a date for a public hearing to transfer appropriations between accounts and carry forward requests.

**CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING TO TRANSFER APPROPRIATIONS BETWEEN ACCOUNTS AND CARRY FORWARD REQUESTS FOR A DATE OF AUGUST 24<sup>TH</sup>. COUNCILOR PELLETIER SECONDED THE MOTION.**

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0**



**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**UNAPPROVED  
AUGUST 10, 2015**

i. (080115-8) The Kittery Town Council moves to appoint a representative to meet with the Rice Public Library Board of Trustees to interview George Dow for appoint to that board.

Chairperson Thomson asked if there was a vacancy and whether or not the Chair would inform the Council of a vacancy as they have not yet been informed. Councilor Dennett commented that the newspaper announced the vacancy.

**CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR PELLETIER TO CONDUCT AN INTERVIEW WITH GEORGE DOW FOR APPOINTMENT TO THE RICE PUBIC LIBRARY BOARD OF TRUSTEES. VICE CHAIRPERSON WHITE SECONDED THE MOTION.**

Councilor Dennett commented that the correct spelling of Mr. Dow's name is George V. Dow, IV.

**A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.**

**14. COUNCILOR ISSUES OR COMMENT**

Councilor Denault commented that a Code Enforcement Officer has entered a property without permission. He is sending the information to Town Manager Puff. He also noted that retired Kittery Detective Sergeant Ron Avery has been diagnosed with a life threatening illness. A Go Fund Me website has been formed to help raise money for the family.

**15. COMMITTEE AND OTHER REPORTS**

**a. Communications from the Chairperson**

Chairperson Thomson commented that next meeting they would need to discuss dogs at Fort Foster.

**b. Committee Reports – None**

**16. EXECUTIVE SESSION – None.**

**17. ADJOURNMENT**

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:02 P.M.**



**TOWN OF KITTERY**  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1329 Fax: 207-439-6806

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**REPORT TO TOWN COUNCIL**

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Meeting Date: August 24, 2015  
From: Norman Albert, Commissioner of Public Works  
Subject: Alternative Procurement Request; Road Paving

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**EXECUTIVE SUMMARY**

The Public Works Department is requesting an alternative procurement method in accordance with the Revenue and Finance Ordinance; Title 3, Chapter 3.2, paragraph 3.2.7 in order to award a contract to Dayton Sand and Gravel of Dayton Maine for road paving in the Town of Kittery.

**STATEMENT OF NEED**

Limited paving has been done in Kittery in the past six years. Kittery voters passed a bond referendum in June to provide a mechanism to fund road improvement and bring the Town up to a standard whereby an annual paving budget will enable the Public Works Department to maintain the quality of roads. Awarding a contract to a cost effective and reputable road paving company is a necessary step in completing this goal.

**BACKGROUND**

Dayton Sand and Gravel has been an excellent provider of road paving services for Kittery for several years. They have met our expectations and needs and compared to the other main competitor in the seacoast area, whom we have used in the past, provide a better service of quality work.

**FACTS BEARING ON THE EQUATION**

Competitive pricing obtained from the Towns of Eliot, Gorham and Cape Elizabeth compare favorably with the quotes received for Kittery. Paving in Kittery is proposed to begin in September, 2015.

**CURRENT SITUATION**

Initiating a road paving program in Kittery is long overdue. As previously stated, Kittery voters passed a bond referendum in the amount of \$1,300,000 to "jump start" this program. State funding is also available and will be used to supplement the bond amount to maximize the road improvement.

**PROPOSED SOLUTION/RECOMMENDATION**

The proposed solution is for council to take action to support an alternate procurement method to contract Dayton Sand and Gravel of Dayton Maine for road paving in the Town of Kittery. In view of the competitive pricing quoted for Kittery by Dayton Sand and

Gravel and the comparison done utilizing other town's quotes and proposals it is recommended Council take appropriate action to approve an alternate procurement method.

**RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)**

Awarding of a contract to Dayton Sand and Gravel supports beginning work in the September 2015 timeframe. The quotes received from Dayton Sand and Gravel are very competitive as compared to other potential bidders. Requesting proposals and using a competitive bid process will not support a September 2015 work start date, and more than likely push the start of paving to the summer of 2016 where pricing may increase. Dayton Sand and Gravel have provided the following pricing for the Town of Kittery paving work:

Paverwork	\$70.65/ton
Reclaim & Fine Grade	\$2.25/sq-yd
Handwork	\$120.00/ton
Tack	\$6.00/gal

# ELIOT

		Libby Scott	Pike Industries	Bell & Flynn
<b>Hot Bituminous Pavement</b>		<b>Unit Price</b>	<b>Unit Price</b>	
Superpave surface mix, 9.5 mm	ton	\$72.50	\$100.00	\$95.00
Superpave surface mix, 12.5 mm	ton			
Superpave binder course, 19.0 mm	ton	\$72.40	\$75.00	\$78.00
Hand work	ton	\$130.00	\$140.00	\$140.00
Tack coat	gallon	\$7.25	Included	Included
Reflective delineators (installed)	each	\$ 1.00		
Escalator Clause applies		No	No	
<b>Hot Bituminous Curbing</b>				
<b>Cape Cod</b>				
Less than 200'	lineal foot			
200' to 500'	lineal foot			
501' to 1,000'	lineal foot			
1,001' to 2,000'	lineal foot			
More than 2,000'	lineal foot			
<b>MaineDOT Type 1 or 2</b>				
Less than 200'	lineal foot			
200' to 500'	lineal foot			
501' to 1,000'	lineal foot			
1,001' to 2,000'	lineal foot			
More than 2,000'	lineal foot			
<b>Pavement Milling</b>				
Milling	sq. yd.			
Butt joints	sq. yd.	\$25.00	Included	+\$1.00/tn
<b>Shoulders</b>				
With 1 1/2" crushed gravel	cu. yd.			
Without 1 1/2" crushed gravel	cu. yd.			
<b>Reclaiming</b>				
First pass	sq.yd.	.90	\$8.50	\$2.50
Second pass (must be noted to be charged)	sq. yd.			
Fine grading	sq. yd.	.90		
Full-depth reclaim. w/ cement additive	sq.yd.			
<b>Cold Patch</b>				
Picked up	sq. yd.			
Delivered	sq. yd.			
Plant location	town			

# GORHAM

		Shaw Brothers	F.R. Carroll	Dayton Sand & Gravel	Glidden Paving	Pike Industries
Hot Bituminous Pavement	Unit	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
Superpave surface mix, 9.5mm	ton	\$ 70.35	\$ 69.00	\$ 66.29	\$ 74.55	\$ 82.00
Superpave surface mix, 12.5 mm	ton	\$ -	\$ 66.00	\$ -	\$ -	\$ -
Superpave binder course, 19.0mm	ton	\$ 58.25	\$ 64.00	\$ 66.29	\$ 75.50	\$ 110.00
Hand work	ton	\$ 130.00	\$ -	\$ -	\$ -	\$ 145.00
Tack coat	gallon	\$ 6.00	\$ 4.00	\$ 6.00	\$ 3.00	Included
Reflective delineators (installed)	each	\$ 1.00	\$ 1.00	\$ -	\$ -	\$ -
Escalation Clause applies		No	Yes	Yes	No	No
<b>Hot Bituminous Curbing</b>						
<b>Cape Cod</b>						
Less than 200'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
200' to 500'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
501' to 1,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
1,001' to 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
More than 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
<b>MaineDOT Type 1 or 2</b>						
Less than 200'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
200' to 500'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
501' to 1,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
1,001' to 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
More than 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Pavement Milling</b>						
Milling	sq. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
Butt joints	sq. yd.	\$ 8.00	\$ 7.00	\$ -	\$ -	\$ 12.00
<b>Shoulders</b>						
With 1 1/2" crushed gravel	cu. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
Without 1 1/2" crushed gravel	cu. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Reclaiming</b>			*			
First pass	sq. yd.	\$ -	\$ 1.00	\$ -	\$ -	\$ -
Second pass (must be noted to be charged)	sq. yd.	\$ -	\$ 0.60	\$ -	\$ -	\$ -
Fine grading	sq. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
Full-depth reclam. w/ cement additive	sq. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Cold Patch</b>						
Picked up	sq. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
Delivered	sq. yd.	\$ -	\$ -	\$ -	\$ -	\$ -
Plant location	town				See note	

# CAPE ELIZABETH

		F.R. Carroll	Dayton Sand & Gravel	Pike Industries	Shaw Brothers
Hot Bituminous Pavement	Unit	Unit Price	Unit Price	Unit Price	Unit Price
Superpave surface mix, 9.5 mm	ton	\$ 71.40	\$ 70.65	\$ 87.00	\$76.75
Superpave surface mix, 12.5 mm	ton	\$ -	\$ -	\$ -	\$ -
Superpave binder course, 19.0 mm	ton	\$ -	\$ -	\$ -	\$ -
Hand work	ton	\$ 150.00	\$ -	\$ 130.00	\$130.00
Tack coat	gallon	\$ 6.00	\$ 6.00	Included	\$6.00
Reflective delineators ( <i>installed</i> )	each	\$ 1.00	\$ -	\$ -	\$1.00
Escalation Clause applies		Yes	Yes	No	No
<b>Hot Bituminous Curbing</b>					
<b>Cape Cod</b>					
Less than 200'	lineal foot	\$ -	\$ -	\$ -	\$ -
200' to 500'	lineal foot	\$ -	\$ -	\$ -	\$ -
501' to 1,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
1,001' to 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
More than 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
<b>MaineDOT Type 1 or 2</b>					
Less than 200'	lineal foot	\$ -	\$ -	\$ -	\$ -
200' to 500'	lineal foot	\$ -	\$ -	\$ -	\$ -
501' to 1,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
1,001' to 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
More than 2,000'	lineal foot	\$ -	\$ -	\$ -	\$ -
<b>Pavement Milling</b>					
Milling	sq. yd.	\$ -	\$ -	\$ -	\$ -
Butt joints	sq. yd.	\$ 12.00	\$ 10.00	Included	\$8.00
<b>Shoulders</b>					
With 1 1/2" crushed gravel	cu. yd.	\$ -	\$ -	\$ -	\$ -
Without 1 1/2" crushed gravel	cu. yd.	\$ -	\$ -	\$ -	\$ -
<b>Reclaiming</b>					
First pass	sq. yd.	\$ -	\$ -	\$ -	\$ -
Second pass ( <i>must be noted to be charged</i> )	sq. yd.	\$ -	\$ -	\$ -	\$ -
Fine grading	sq. yd.	\$ -	\$ -	\$ -	\$ -
Full-depth reclam. w/ cement additive	sq. yd.	\$ -	\$ -	\$ -	\$ -
<b>Cold Patch</b>					
Picked up	sq. yd.	\$ -	\$ -	\$ -	\$ -
Delivered	sq. yd.	\$ -	\$ -	\$ -	\$ -
Plant location	town				



# QUOTE

Dayton Sand & Gravel Co., Inc.  
928 Goodwins Mills Road  
Dayton, Maine 04005-7352  
Phone (207) 499-2306  
Maine WATTS: (800) 339-2700  
Fax (207) 499-7102  
e-mail: fjohnston@daytonsand.com

## PROJECT INFORMATION

Date: Monday, July 13, 2015

Project ID: 2015 Paving Bid

Project Location:

## CUSTOMER INFORMATION

Expected Start Date:

Name: Town of Kittery  
Address: 200 Roger Road  
Kittery, Maine 03904

Contact: NORM  
Telephone: 207-439-0452  
Fax: 207-439-6806  
Cell Phone:

EMAIL: d.bailey@kitterymaine.org

## DESCRIPTION OF PROJECT:

### 2015 PAVING BID

Paverwork - B & C	\$70.45 /ton
Reclaim & Fine Grade	\$2.25 /sy
Handwork	\$120.00 /ton
Tack	\$6.00 /gal

Any asphalt curb will be at \$9.00 per linear feet.  
Any trench patch will be at \$150.00 per ton.

No Gravel.  
Any curb chink will be at \$150.00 per ton.

PAYMENT TERMS NET 30 DAYS WITH APPROVED CREDIT

Dayton Sand & Gravel Co., Inc. guarantees the workmanship and quality of materials used in this project for a period of one year.  
Dayton Sand & Gravel Co., Inc. will charge extra over and above the quoted sum for additional materials and additional labor not outlined in this agreement.

A finance charge of 1 1/2% per month will be charged on all accounts over 30 days until paid. This amounts to 18% per year annualized.  
Additionally, if necessary to file suit on this account, legal fees will be the customer's responsibility.  
Disputes arising from this agreement will be settled according to Maine Law.

ALL NECESSARY PERMITS MUST BE PURCHASED AND OBTAINED BY OWNER PRIOR TO START OF PROJECT.

## ACCEPTANCE

The foregoing terms, specifications and conditions are satisfactory and they are hereby accepted and agreed to, pending credit approval

CUSTOMER

DAYTON SAND & GRAVEL CO., INC.

Signature:

Signature:

Title:

Date:

Title:

Paving Estimator

Date:

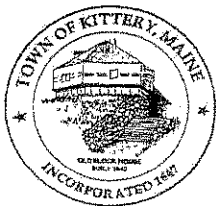
Jason Robinson

Please sign one copy and return to the above address. This proposal may be withdrawn by us if not signed within 30 days.

Please Note:

Price per ton of Asphalt is subject to availability and cost. Prices quoted on this agreement are for the 2015 season only.  
Dayton Sand & Gravel Co., Inc. reserves the right to renegotiate prices if proposal is not signed within the 30 day limit.

page 1 of 2



## TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

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### REPORT TO TOWN COUNCIL

---

Meeting Date: August 24, 2015  
From<sup>1</sup>: Nancy Colbert Puff, Town Manager  
Subject: Public Hearing & Council Vote on Open Space Bond Referendum & CIP Allocation

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#### EXECUTIVE SUMMARY

The Kittery Land Trust is creating its first fully accessible public nature preserve between Route 103 and Bartlett Roads. This 150-acre preserve will offer four-season recreational opportunities on approximately 2.5 miles of trails, including hunting, hiking and cross-country skiing and snowshoeing. It will preserve historic and archeological resources, water quality and the community character of our town's most remote and still rural area. Off street parking and a nature-viewing pavilion along with areas to picnic are planned. It will provide the Kittery School system an outdoor classroom and the entire town the opportunity to experience the unique coastal ecology and beauty of this region.

Following the recommendation of the Kittery Open Space Advisory Committee's 2014 recommendation that the Town of Kittery financially support this work, the Kittery Land Trust respectfully requests the Council's consideration of \$275,000 bond question on the November 2015 ballot and an allocation of \$75,000 from the Open Space Reserve Fund (already appropriation and in the fund, whose balance is \$84,047).

#### STATEMENT OF NEED

Kittery Land Trust is respectfully seeking partial funding (<18%) of the cost of creating the Brave Boat Headwaters Preserve because of the significant benefits it will yield for residents for years to come. It ensures that a piece of town will remain rural, give all citizens access to historic woods roads and trails, gives our children the opportunity to learn about the nature and history of their own town and helps maintain our sense of Kittery as a "live-able place".

#### BACKGROUND

Brave Boat Headwaters lies within the in the most remote region of our town, farthest from municipal services. Kittery Land Trust was able to negotiate the purchase of 60 acres slated for a cluster subdivision, remove the "No Trespassing" signs and open the area to the public in 2014. In so doing, the trust inspired adjacent landowners to conserve their land and the opportunity to create a 150-acre preserve linking the 170-acre Norton Preserve to the 800-acre Rachel Carson National Wildlife Refuge emerged.

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<sup>1</sup> This Report to Council was written by Christine Bennett, Executive Director, of the Kittery Land Trust.



The Headwaters Preserve area lies within one of two remaining large, unfragmented forests left in town. As reference, ten years ago there were five of these large blocks. The diversity of terrain, land cover and water resources makes it an ideal setting for nature studies and appreciation. The 4<sup>th</sup>-6<sup>th</sup> grades at Shapleigh are planning a half-day outdoor classroom on the preserve this fall. A number of sophomore service learning projects are being discussed with Traip Academy advisors. The PTA is planning to partner with Kittery Land Trust again in 2016 and offer a winter break ski-snowshoe event free of charge.

It contains the site of the log-cabin garrison on display in the Kittery Historical and Naval Museum, two 19<sup>th</sup> century cemeteries and remnants of the area's agricultural past in its stone walls and a small cabin.

#### **FACTS BEARING ON THE EQUATION**

Creation of the Brave Boat Headwaters Preserve is consistent with the Comprehensive Plan and the Open Space Plan adopted by the Council in 2007. It is adjacent to other conservation land, preserves one of the most highly valued scenic views, safe-guards historic resources and supplies many public benefits including recreational access, educational opportunities and the preservation of coastal and woodland resources.

#### **CURRENT SITUATION**

The Brave Boat Headwaters preserve is a \$2 million, 7-parcel project. Kittery Land Trust has secured 60% (\$1.2 million) of the funds necessary to complete the project, including \$200,000 raised early on from individuals in the Brave Boat Harbor area. Kittery Land Trust is actively fundraising with individuals and businesses in the broader community. The project has attracted federal and state funding. The Trust is pursuing a bond matching opportunity similar to the one that matched the Rustlewood Farm bond measure.

#### **PROPOSED SOLUTION/RECOMMENDATION**

An allocation of \$75,000 from the Open Space Reserve account and ballot question before the voters at the November 2015 election that reads:

*Shall the Town of Kittery council be authorized to issue bonds, in a total amount not to exceed \$275,000, to be matched by at least \$1,200,000 in Federal and State funds and other contributions, for the purpose of partially funding the creation of the Brave Boat Headwaters Preserve off Route 103 and Bartlett Roads which will provide public access for walking, hunting and other recreational activities, nature-based education, ensure open space and scenic views, protect archeological sites and the water quality in Brave Boat Harbor, through the purchase and donation of lands and conservation easements totaling an estimated 150 acres, to be permanently conserved by the Kittery Land Trust?*

#### **RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)**

The question of whether the Town of Kittery should support the creation of the Brave Boat Headwaters Preserve by selling a bond deserves the consideration of the citizens of Kittery.

A 20 year bond for \$275,000 at today's rate of 2.64% would cost the average Kittery homeowner approximately \$4 per year. If it is the pleasure of the Council to put the bond question on the ballot and it succeeds to garner the voter's approval, Kittery Land Trust will assume all of the legal expenses associated with preparation, due diligence and sale of the bond.



August 11, 2015

Kittery Town Council  
Jeffrey Thomson, Chair  
200 Rogers Road  
Kittery, ME 03904

Dear Councilor Thomson,

In 2005, the Town Council authorized the Town Manager to appoint an Open Space Committee to implement the goals and policies of the 2002 Comprehensive Plan. The Kittery Open Space Advisory Committee (KOSAC) drafted an Open Space Plan that was adopted by the Council in 2007. This plan includes goals and guidelines for identifying and acquiring open space properties or assisting other organizations in doing so.

Throughout 2013, our committee watched as the public call for the preservation of the rural character and open space in the Brave Boat Harbor area grew. A proposed 27-unit cluster subdivision on Brave Boat Harbor Road was met by a groundswell of support for the preservation of this property as witnessed by standing room only attendance to planning board meetings that year. The news that Kittery Land Trust successfully negotiated a purchase of the property elicited a flurry of early contributions and inspired the owners of surrounding lands to donate land and conservation easements toward creating a larger 150-acre public preserve.

The resulting Brave Boat Headwaters Preserve meets virtually all of the criteria set forth in the Open Space Plan for preservation. It creates and expands on recreational opportunities for our citizens, allows traditional outdoor activities uses such as hunting and forestry and preserves scenic and historical resources along with the rural character of our remotest section of town.

As a result, the Kittery Open Space Advisory Committee (KOSAC) voted unanimously in November 2014 to recommend that the Town of Kittery partner with Kittery Land Trust to create the 150-acre Brave Boat Headwaters Preserve. **We are writing you today to re-affirm our recommendation that the Town Council appropriate \$75,000 from the Open Space Acquisition Fund and place a ballot question before the voters in November 2015 for a bond up to \$275,000 to support this effort.**

The Brave Boat Headwaters Preserve is unlike any other open space preservation opportunity to date that has become available. Because of its many ecological, cultural and locational characteristics, the Brave Boat Headwaters Preserve presents a unique opportunity for people of all ages and abilities in Kittery to connect with the outdoors, the town's early history and with the quiet and natural beauty of this area.

Specifically, the Brave Boat Headwaters Preserve:

- maintains the integrity of known archaeological resources and allows for further study of Kittery's past.

- creates a conservation corridor between Rachel Carson National Wildlife Refuge and the Norton Preserve, improving and enhancing habitat and recreational access to both.
- provides a platform for KLT and the Kittery School system to provide nature-based education for our children.
- safeguards the water quality to the town's most pristine estuary by permanently protecting 3+ miles of stream frontage leading into Brave Boat Harbor along with 3 significant vernal pools.

Finally, the effort to create the Brave Boat Headwaters preserve has attracted funding from extremely competitive federal, state and private sources . This bares witness to the exemplary natural, historical and recreational features within the preserve area and will allow Kittery Land Trust to match this town investment nearly 5:1.

Respectfully submitted by the members of the KOSAC:

Craig Wilson

Megan Kline

Kathy Connor

Stephen Hall – Conservation Commission representative

Page Mead – Parks Commission representative

**ORDINANCE AUTHORIZING A TOWN OF KITTERY  
\$275,000 BOND ISSUE TO PARTIALLY FUND THE KITTERY LAND TRUST'S  
ACQUISITION OF CONSERVATION EASEMENTS AND LANDS TO  
ESTABLISH AND CONSERVE THE 150-ACRE BRAVE BOAT HEADWATERS  
PRESERVE**

THE TOWN OF KITTERY HEREBY ORDAINS THAT pursuant to Sections 5721 and 5772 of Title 30-A of the Maine Revised Statutes and the Charter of the Town of Kittery (the "Charter"), the Town be authorized to issue general obligation bonds in an amount not to exceed \$275,000 and notes in anticipation thereof (collectively, the "Bonds"), which Bonds shall be matched by at least \$1,200,000 in Federal and State funds and other contributions, for the purpose of providing funds for the costs of the Kittery Land Trust to establish and conserve the Brave Boat Headwaters Preserve, so-called, comprising an estimated 150 acres located off Route 103 and Bartlett Roads, which will provide public access for walking, hunting, and other recreational activities, and for nature-based education; safeguard open space and scenic views; and protect archeological sites and the water quality in Brave Boat Harbor, through the Kittery Land Trust's acquisition of lands, conservation easements, and related real estate (the "Project"); provided, however, that pursuant to section 6.07 of the Charter, this ordinance be subject to approval by the Town's voters at a referendum election as provided herein;

THAT the proceeds of the Bonds, including any investment earnings on the Bonds, and accrued interest, if any, be appropriated for the purposes set forth herein;

THAT the Treasurer be authorized to prepare, issue, and sell the Bonds at one time or from time to time, as one or more separate bond issues, and to determine the date, form, interest rates, maturities, denominations and all other details of each issue of the Bonds, including the form and manner of their sale and award, subject to the provisions of law, the Town Charter and this Ordinance;

THAT the Treasurer be authorized to provide that any of the Bonds and notes herein authorized may be made callable, with or without premium, prior to their maturity;

THAT the Bonds be executed by the Treasurer, countersigned by the Council Chairperson, sealed with the official seal of the Town, attested by the Clerk, and otherwise be in such form and contain such terms and provisions, not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof and that any signature thereon may be by facsimile to the extent permitted by law;

THAT the Treasurer be authorized to provide for the sale of the Bonds at public or private sale, on such terms not inconsistent herewith as the Treasurer may approve, such approval to be conclusively evidenced by execution thereof;

THAT in connection with the sale of any of the Bonds the Treasurer be authorized to select financial advisors, underwriters, registrars, paying agents and transfer agents and that in connection with selecting and hiring any or all of the foregoing the Treasurer be authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate;

THAT the Treasurer be authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of any of the Bonds herein authorized, any such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the use and distribution of any such Preliminary Official Statement and Official Statement in the name and on behalf of the Town in connection with offering the Bonds for sale be approved;

THAT the Treasurer be authorized to provide for any of the Bonds to be issued in registered form, transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his attorney duly authorized in writing;

THAT in lieu of physical certificates of any of the Bonds, the Treasurer be authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the preceding paragraph above regarding physical transfer, and the Treasurer be authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System;

THAT the Treasurer, Chairperson of the Town Council and Clerk from time to time be authorized to execute such Bonds as may be required to provide for exchanges or transfers of Bonds authorized hereunder;

THAT any or all of the Bonds may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council;

THAT the Treasurer be authorized to covenant and certify on behalf of the Town that no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code");

THAT the Treasurer of the Town be authorized to covenant and agree on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any

information report and pay any rebate due to the United States in connection with the issuance of such Bonds, that the Town will take all other lawful actions necessary to insure that the interest on such Bonds will remain excluded from the gross income for purposes of federal income taxation and that the Town will refrain from taking any action which would cause interest on such Bonds to become includable in the gross income of the owners thereof;

THAT the Treasurer be authorized to take all such actions as may be necessary to designate any of the Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of said Code;

THAT the Treasurer be authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

THAT an amount sufficient for the payment of the annual payments of principal and interest on the Bonds, not payable from other sources, shall be included in the tax levy of each year until the debt represented by the Bonds is extinguished;

THAT the proceeds of the Bonds, including investment earnings and accrued interest, if any, be appropriated for the costs of the Project; and that excess proceeds of the Bonds, if any, be appropriated, first, to any costs of the Project in excess of the principal amount of the Bonds and, second, in accordance with the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds, if applicable, including, to the extent permitted thereunder, to the Town's general fund;

THAT the term "cost" or "costs," as used herein and applied to the Project, includes all costs related to the Project, including without limitation costs, as applicable, for (1) acquisition or conveyance of any real property interests, rights, easements, licenses and franchises in connection with the Project; (2) planning and development, site selection, preparation of specifications, surveys, engineering and feasibility studies, and other professional services associated with the Project; (3) conservation and environmental studies, appraisals and assessments associated with the Project; and (4) financing charges and issuance costs related to the sale and issuance of Bonds and notes authorized hereunder, including without limitation premiums for insurance, interest, financial advisor fees and costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses;

THAT the Treasurer, Chairman of the Town Council and Clerk and other proper officials of the Town be authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds and the accomplishment of the Project herein authorized;

THAT if any of the officers or officials of the Town who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds any such person shall not have been such officer or official;

THAT if the Clerk, Treasurer or Council Chairperson are for any reason unavailable to, as applicable, approve, execute, attest or deliver the Bonds or any other documents necessary or convenient to the issuance, execution, or delivery of the Bonds or the accomplishment of the Project, the person or persons acting in any such capacity, whether as assistant, deputy, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had performed such act;

THAT a copy of this Ordinance be filed with the Town Clerk; and

THAT pursuant to Section 6.07 of the Charter a referendum election be held on November 3, 2015 on the Project; that the Clerk take all actions required of the Clerk for that referendum election to be called and held; and that a referendum question in the following form appear in the warrant and on the ballot at said referendum election, accompanied by a signed statement of the Treasurer setting forth the information required by Section 6.07 of the Charter:

**REFERENDUM QUESTION ON A PROPOSED TOWN OF KITTERY  
\$275,000 BOND ISSUE TO PARTIALLY FUND THE KITTERY LAND TRUST'S  
ACQUISITION OF CONSERVATION EASEMENTS AND LANDS TO  
ESTABLISH AND CONSERVE THE 150-ACRE BRAVE BOAT HEADWATERS  
PRESERVE**

Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$275,000 and notes in anticipation thereof (collectively, the "Bonds"), which Bonds shall be matched by at least \$1,200,000 in Federal and State funds and other contributions, for the purpose providing funds for the costs of the Kittery Land Trust to establish and conserve the Brave Boat Headwaters Preserve, so-called, comprising an estimated 150 acres located off Route 103 and Bartlett Roads, which will provide public access for walking, hunting, and other recreational activities, and for nature-based education; safeguard open space and scenic views; and protect archeological sites and the water quality in Brave Boat Harbor, through the Kittery Land Trust's acquisition of lands, conservation easements, and related real estate?



## TREASURER'S STATEMENT

The undersigned Treasurer of the Town of Kittery certifies as follows:

1. Existing and Authorized Debt. As of the referendum date, the total amount of bonds of the Town currently outstanding and unpaid is \$32,186,170. The total amount of bonds of the Town authorized, but unissued, is \$0. The total amount of bonds of the Town contemplated to be issued if the bond question accompanying this Statement receives voter approval is not in excess of \$275,000, as described below.
2. Bonding Limit. The total bonding limit of the Town is \$224,790,000; the bonding limit for school debt is \$149,860,000.
3. Kittery Land Trust Bonds. These proposed bonds will be issued to partially fund the creation of the Brave Boat Headwaters Preserve off Route 103 and Bartlett Roads which will provide public access for walking, hunting and other recreational activities, nature-based education, ensure open space and scenic views, protect archeological sites and the water quality in Brave Boat Harbor, through the purchase and donation of lands and conservation easements totaling an estimated 150 acres, to be permanently conserved by the Kittery Land. The anticipated average interest rate on the bonds is 2.64%. Assuming the issuance of the full \$275,000 of these bonds, payments over a 20-year term, and an average interest rate of 2.64%, the interest cost associated with the borrowing would be \$82,285.34, which would result in a total cost of principal and interest at maturity of \$357,285.34.
4. The foregoing represents an estimate of costs associated with the financing, and such estimates will change due to market conditions. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimates. If the actual amount of the total debt service for the bonds varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bonds is not affected by reason of the variance.

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Nancy Colbert Puff, Treasurer,  
Town of Kittery

**INFO FOR TREASURER'S STMT  
8-18-15**

	Town & School	Sewer	Total
Current Bonds: Principal outstanding and unpaid*	\$ 14,030,000	\$ 3,086,853	\$ 17,116,853
Bonds: To be issued in September	\$ 3,079,832	\$ 11,990,025	\$ 15,069,857
Total Bonds: Principal	\$ 17,109,832	\$ 15,076,878	\$ 32,186,710
*Note: A bond payment was made 8/17/15			
*Bonds to be issued in September			
CIP - School	\$ 821,817		
CIP - Town	\$ 958,015	\$ 4,403,500	Sewer Infrastructure
CIP - Roads	\$ 1,300,000	\$ 7,586,525	Sewer Expansion
	\$ 3,079,832	\$ 11,990,025	
			less: BAN outstanding

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES

9-28-15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER:

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DOB:		<u>NAVY YARD BAR + BILLIARD</u>	
<u>Delta Amusement</u> DOB:			
<u>INC.</u> DOB:		Location (Street Address)	
Address		<u>182 STATE Rd.</u>	
City/Town		State	Zip Code
<u>KITTENY</u>		<u>ME.</u>	<u>03904</u>
Mailing Address			
<u>182 STATE Rd.</u>			
City/Town	State	Zip Code	
<u>KITTENY</u>	<u>ME.</u>	<u>03904</u>	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>207-439 7137</u>		<u>207-439 7137</u>	<u>508 331-1259</u>
Federal I.D. #		Seller Certificate #	
<u>01-0524107</u>		<u>1043464</u>	

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 47,722 LIQUOR \$ 151,155

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: RAY LEVE SCHURMAN
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 182 STATE Rd KITTEN ME 03904
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Joseph E SUGDEN	1-30-54	MAYNARD MASS
ANTHONY BORRELLI	12-8-54	LAWRENCE MASS.
RAY LEVE SCHURMAN	10-14-63	PORTSMOUTH NH

Residence address on all of the above for previous 5 years (Limit answer to city & state)

J. Sugden 3 Tobey ST HAMPTON NH 03842, A. Borrelli 1 Alderbrook Ln. METEUN MASS 01844, R. Schurman 2 Hillside Drive Greenland NH 03842

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☒ NO ☐

Name: Joseph E Sugden Date of Conviction: 1975

Offense: Disturbing The Peace Location: SALISBURY MASS

Disposition: PAID FINE (See ATTACHMENT)

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: M.H. PARSONS + SON'S 50 Woodbridge Rd York ME 03909

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) BILLIARD'S TAVERN + GRILLE

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mi Which of the above is nearest? SCHOOL

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: ENTERPRISE BANK Lowell MASS (LOAN IS PAID-OFF)

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**Supplemental Information Required for  
Business Entities Who Are Licensees**

For Office Use Only:

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

DELTA AMUSEMENT INC.

2. Other business name for your entity (DBA), if any:

NAVY YARD BAR + BILLIARDS

3. Date of filing with the Secretary of State: 3-1-99

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 3/1/99

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Joseph E Sugder	3 Toboy ST Hampton NH	1-30-54	50%
ANTHONY BORRELLI	1 Alder Brook Ln. Methuen MASS.	12-8-54	50 %

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☒ No ☐

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: Joseph E Sugden

Date of Conviction: 1975

Offense: Disturbing The Peace

Location of Conviction: Salisbury MASS

Disposition: PAID FINE

(See Attachment)

Signature:

Joseph E Sugden  
Signature of Duly Authorized Person

8-5-15  
Date

Joseph E Sugden  
Print Name of Duly Authorized Person

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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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Joseph E Sugder  
(President)

SS<sup>H</sup> 017-44-8076

DOB 1-30-54

(2) Petty Larceny 1975, stole a Stear  
(College Park) North Adams MASS. Continuance with  
Fine 6 month

---

(3) D.U.I. 1984 Amesbury MASS  
Loss of Lic. 6 mos. \$250.00 Fine

---

ANTHony Borrelli

SS<sup>H</sup> vice Pres.  
011-46-6321

DOB 12-8-54

1982 D.U.I. continuance without  
Finding 6 mos. Newbury Port MASS

1982 D.U.I. Lost of Lic.  
6 mos Newbury Port MASS

11-11-11



Dated at:

Rittery  
Town/City, State

on

8/5, 20 15  
DateJoseph E. Sugden  
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Anthony Boirelli  
Signature of Applicant or Corporate Officer(s)Joseph E. SUGDEN  
Print NameAnthony Boirelli  
Print Name**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.****FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b>	.....	\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

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STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:      ☐ Municipal Officers      ☐ County Commissioners      of the  
☐ City    ☐ Town    ☐ Plantation    ☐ Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd)]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of the application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
  - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 8/12/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV)  
☐ HOTEL-OPTINONAL FOOD (Class I-A)  
☐ CLASS A LOUNGE (Class X)  
☐ CLUB (Class V)  
☐ TAVERN (Class IV)

- ☒ RESTAURANT/LOUNGE (Class XI)  
☐ HOTEL (Class I,II,III,IV)  
☐ CLUB-ON PREMISE CATERING (Class I)  
☐ GOLF CLUB (Class I,II,III,IV)  
☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>The Cajun Lobster LLC</u> DOB: _____		2. Business Name (D/B/A) <u>The Cajun Lobster</u>	
DOB: _____		<u>90 Pepperrell Road</u>	
DOB: _____		Location (Street Address)	
Address <u>90 Pepperrell Road</u>		City/Town <u>Kittery Point, ME</u>	State <u>ME</u>
<u>PO Box 141</u>		Mailing Address	Zip Code <u>03905</u>
City/Town <u>Kittery Point, ME</u>	State <u>ME</u>	City/Town <u>Kittery Point, ME</u>	State <u>ME</u>
Zip Code <u>03905</u>	Zip Code <u>03905</u>	City/Town <u>Kittery Point, ME</u>	State <u>ME</u>
Telephone Number <u>337.967.6954</u>	Fax Number <u>207.703.2627</u>	Business Telephone Number <u>207.703.2397</u>	Fax Number <u>207.703.2627</u>
Federal I.D. # <u>46-5635098</u>		Seller Certificate #	

3. If premises is a hotel, indicate number of rooms available for transient guests: n/a
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 250 LIQUOR \$ 10,000
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: Kelly Ann Neel
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 90 Pepperrell Rd. Kittery Pt.
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Kelly Ann Neel	3-9-84	New Iberia, LA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

New Iberia, LA, De Ridder, LA, Lake Charles, LA, Dyer Brook, ME  
Kittery Point, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Alphonse D'Amico, 88 Pepperrell Rd, Kittery Point, ME 03905

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Restaurant

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 miles Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

The Cajun Lobster, LLC

2. Other business name for your entity (DBA), if any:

3. Date of filing with the Secretary of State:

6/17/2014

4. State in which you are formed:

Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Kelly Neel	102 Bayou Dr, New Iberia, LA 70563		
	431 O'Neal St, Deridder, LA 70634		
	700 Morningside, Lake Charles, LA	3-9-84	100%
	277 Dyer Brook, ME 03747		
	P.O. Box 141, Kittery Point, ME 03905		

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

Kelly Neel  
Signature of Duly Authorized Person

8/11/15  
Date

Kelly Neel  
Print Name of Duly Authorized Person

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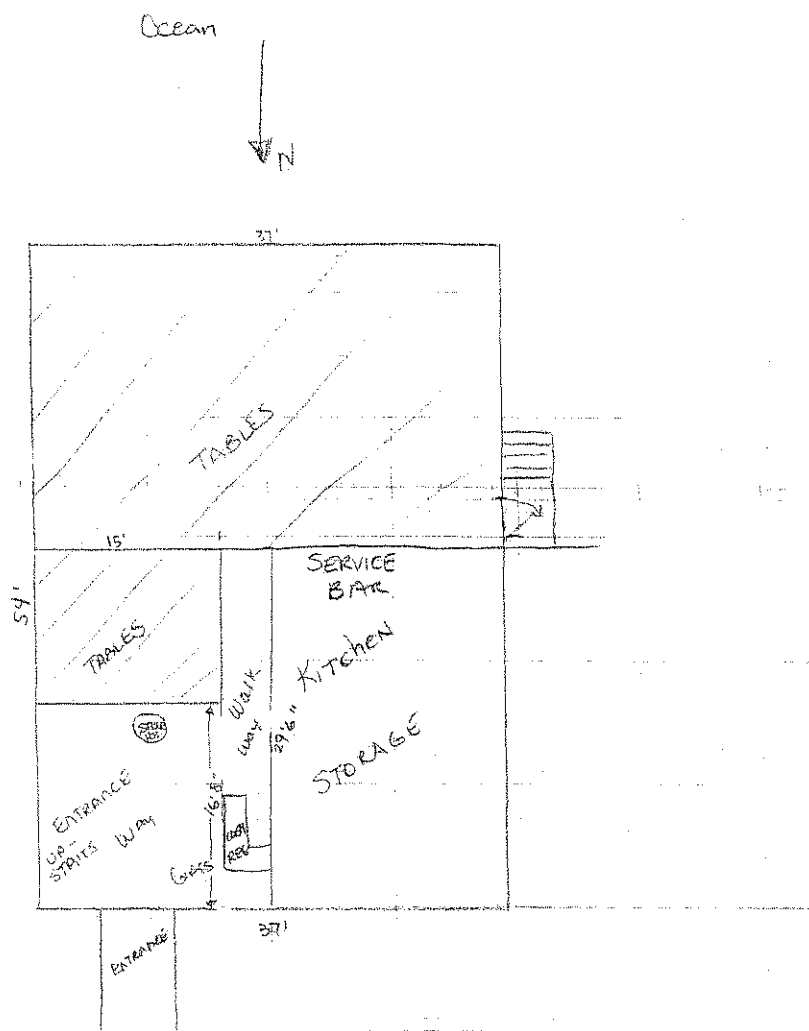
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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1. 100% of the total area  
 2. 100% of the total area  
 3. 100% of the total area  
 4. 100% of the total area



First Floor - Dining Rm

Hours of Operation - Summer

Sunday - Saturday

11am - 10pm

Customer Access

Seating Square

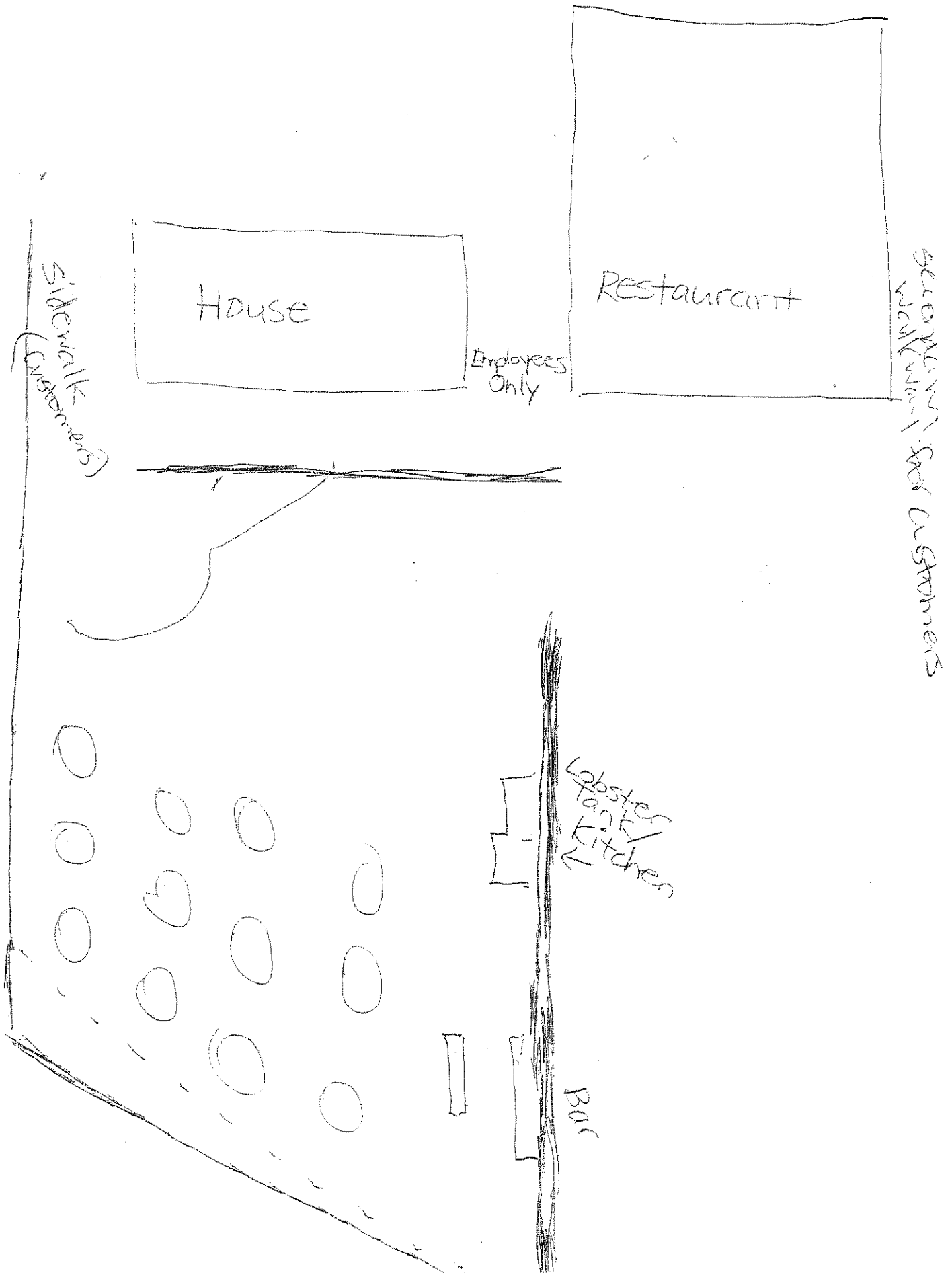
FOOTAGE 1049

Licensed for 125 seats

License



Patio



Dated at: Kittery on 8/11, 20 15  
Town/City, State Date

Kelly Neel  
Signature of Applicant or Corporate Officer(s)  
Kelly Neel  
Print Name

Please sign in blue ink

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)  
\_\_\_\_\_  
Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt .....\$ 900.00  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....\$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.
- Class II** Spirituous Only .....\$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only .....\$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only .....\$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....\$ 495.00  
**CLASS V:** Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge .....\$2,200.00  
**CLASS X:** Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge .....\$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE**.....\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

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STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:      ☐ Municipal Officers      ☐ County Commissioners      of the  
☐ City   ☐ Town   ☐ Plantation   ☐ Unincorporated Place   of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
  - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.